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4 | Defendant, a Self-Represented Attorney

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11 | TODD R. G. HILL

13 Plaintiff.

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16 THE BOARD OF DIRECTORS,
17 OFFICERS AND AGENTS AND
INDIVIDUALS OF THE PEOPLES
COLLEGE OF LAW ET AL..

10 || Defendants.

Case No. 2:23-cv-01298-JLS-BFM

**DEFENDANT SPIRO'S
OPPOSITION TO PLAINTIFF'S
MOTION (ECF 330) TO FILE
FIFTH AMENDED COMPLAINT**

**Motion Before:
Hon. Magistrate Judge
Brianna Fuller Mircheff**

Case Assigned to:
Hon. Josephine L. Staton and
Hon. Magistrate Judge
Brianna Fuller Mircheff

1 **A. Co-Defendants made excellent arguments** in opposition to Plaintiff's
2 Motion to file a Fifth Amended Complaint. I endorse and incorporate them here. I
3 add the following.

4 **B. FILING A FIFTH AMENDED COMPLAINT WOULD**
5 **IMMUNIZE PLAINTIFF FROM THE PENDING MOTIONS TO DISMISS**
6 **WITHOUT LEAVE TO AMEND.**

7 As I wrote the first time Plaintiff tried to file a Fifth Amended Complaint,
8 what Plaintiff could go on indefinitely like this unless the Court puts an end to it:

- 9 1. Plaintiff files an amended complaint.
- 10 2. Defendants file motions to dismiss it without leave to amend.
- 11 3. **To avoid a ruling on the motions and possible dismissal without leave,**
12 Plaintiff files a new amended complaint. Like all the previous complaints,
13 the new one is defective.

14 (As shown below, Plaintiff's proposed Fifth Amended Complaint is
15 even more defective than his Fourth.)

- 16 4. Defendants file motions to dismiss without leave to amend.
- 17 5. **Again, to avoid a ruling on those motions and dismissal without leave,**
18 Plaintiff files yet another defective amended complaint.
- 19 6. Defendants file motions to dismiss without leave.
- 20 7. **Again, to avoid a ruling on the motions and possible dismissal without**
21 **leave,** Plaintiff files yet another amended complaint.
- 22 8. And so on, and so on.

23 The Court should put a halt to this, by dismissing without leave to amend.

24 **C. PLAINTIFF'S PROPOSED FIFTH AMENDED COMPLAINT IS**
25 **EVEN MORE DEFECTIVE THAN HIS FOURTH AMENDED**
26 **COMPLAINT.**

27 First, note that Plaintiff has now filed at least three proposed Fifth Amended
28 Complaints, ECF 310-1 filed May 19, 2025, ECF 313 filed May 22, 2025, and ECF

1 330, filed June 1, 2025. This is typical of Plaintiff, who invariably wastes the time
2 and efforts of the Court and the Defendants by filing multiple versions of document
3 and then “errata,” corrections. And as my co-defendants wrote, he has now filed
4 seven proposed or actual complaints.

5 His most recent proposed Fifth Amended Complaints is more defective than
6 his Fourth Amended Complaint, still the operative complaint. The Court has issued
7 several orders dismissing plaintiff’s complaints, ruling that they were too long,
8 among other things, including these orders:

- 9 a. Order Dismissing Complaint, ECF 286: “First, the Complaint is
10 extraordinarily long” (p. 4, 2nd paragraph).
- 11 b. Order Dismissing First Amended Complaint, ECF 45: “Hill’s
12 FAC—though substantially shorter than the original Complaint—is
13 still prolix, rambling, and **excessively long at 75 pages**” (p. 8, 3rd
14 full paragraph, emph. added).
- 15 c. Interim Report and Recommendation of United States Magistrate
16 Judge, ECF 132, later adopted by District Judge: “The most recent
17 Second Amended Complaint is significantly longer than the First
18 Amended Complaint dismissed by the District Judge (ECF 132, p.
19 2, lns. 1-3)

20 If the face of those orders, Plaintiff now proposes a third Fifth Amended
21 Complaint, which is even longer than his Fourth Amended Complaint and longer
22 than the First Amended Complaint which the Court ruled was “excessively long at
23 75 pages” (paragraph b. above).

24 Plaintiff’s latest **Fifth** Amended Complaint (ECF 330) is 195 pages, with 66
25 pages of allegations and the rest exhibits.

26 In addition, the District Judge and Magistrate Judge’s have also criticized
27 Plaintiff’s amended complaints for improper use of incorporation. (ECF 132, p. 15,
28

1 Ins. 24-25; ECF 37, p.3, quotation paragraph and p. 4, penultimate paragraph, first
2 sentence; ECF 45, p. 8, third full paragraph.)

3 Nevertheless, Plaintiff's proposed Fifth Amended Complaint, defies the
4 Court's criticisms of improper incorporation. It also repeats the very same improper
5 incorporation that Defendant Spiro pointed out in his opposition to Plaintiff's
6 previous attempt to file a Fifth Amended Complaint. Specify:

7 • The Second Cause of Action incorporates about half of the First Cause of
8 Action, with no apparent rationale for the choice of which paragraphs of the First
9 Cause of Action to incorporate (¶ 152).

10 • The Third Cause of Action incorporates over 100 paragraphs, and
11 grossly complicates this **Fifth** Amended Complaint by incorporating those 100+
12 paragraphs from the **Fourth** Amended Complaint. (¶ 168).

13 • The Fourth Cause of Action incorporation paragraph is paragraph 210, in
14 subparagraph i. It incorporates 175 paragraphs, 35 to 210, which are nearly all of the
15 First and all of the Second and Third Causes of Action. This incorporation
16 paragraph even incorporates itself: "Plaintiff hereby re-alleges and incorporates by
17 reference each allegation contained in ¶¶ 35-210."

18 **D. CONCLUSION**

19 Plaintiff plainly cares little, if at all, about the Court's orders concerning his
20 complaints, thus he should forfeit any liberality the courts accord to amending.

21 More importantly the Court should not allow him to escape a ruling on the
22 pending motions to dismiss **without leave to amend**, which could rid the Court and
23 the Defendants from these confused and barely intelligible pleadings.

24 June 23, 2025

25 _____/s/_____
26 Ira Spiro (sued as Robert Ira Spiro)
27 Defendant, a Self-Represented Attorney
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PROOF OF SERVICE
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I reside in the State of California, County of Los Angeles. My business address is 10573 West Pico Blvd. #865, Los Angeles, CA 90064.

On the date stated below, I served the document described as **DEFENDANT SPIRO'S OPPOSITION TO PLAINTIFF'S MOTION (ECF 330) TO FILE FIFTH AMENDED COMPLAINT** on the interested parties in this action by placing: [] the original [xx] true copies thereof enclosed in sealed envelopes, addressed as follows to interested parties as follows (or as stated on the attached service list):

Todd R.G. Hill
119 Vine Street
Belton, TX 76513

10 [X] **BY MAIL:** I deposited the envelope(s), with postage prepaid, in the
11 United States Mail (United States Postal Service) at Los Angeles,
12 California.

13 [X] **BY MAIL PER BUSINESS PRACTICES:** I placed the document(s) in a
14 sealed envelope for collection and mailing following ordinary business
15 practices. I am readily familiar with this business' practice for collection
16 and processing of correspondence for mailing with the U.S. Postal Service.
17 Under that practice, the envelopes are deposited with the U.S. Postal
18 Service that same day in the ordinary course of business with postage
19 thereon fully prepaid at Los Angeles, California.

20 [] **BY ELECTRONIC TRANSMISSION:** On the date set forth below I
21 caused to be transmitted the document(s) listed above on the parties listed
22 herein at their most recent known e-mail address(s) or e-mail of record in
this action before 6:00 p.m. I hereby certify that this document was served
from Los Angeles, California.

23 [] **BY PERSONAL SERVICE:** I delivered the document, enclosed in a
24 sealed envelope, by hand to the offices of the addressee(s) named herein.

25 [] **BY OVERNIGHT DELIVERY:** I am "readily familiar" with this firm's
26 practice of collection and processing correspondence for overnight
27 delivery. Under that practice, overnight packages are enclosed in a sealed
28 envelope with a packing slip attached thereto fully prepaid. The packages
29 are picked up by the carrier at our offices or delivered by our office to a
30 designated collection site.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed June 23, 2025 at Los Angeles, California.

Ira Spiro
Type or Print Name

/s/

Signature

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